



INSPECTOR GENERAL REPORT

2006-02-0063

July 5, 2007

IDEM VEHICLE USE

Inspector General David O. Thomas and Staff Attorney Amanda Schaeffer, after an investigation by Special Agent Darrell Boehmer, report as follows:

This investigation involved an employee of the Indiana Department of Environmental Management (IDEM) who drove his state-issued vehicle to a gasoline station that he owns to purchase gasoline and make purchases on his state-issued credit card, the gasoline station being outside of his normal work area and 26 miles from his home.

I.

IDEM reported to the Office of the Inspector General (OIG) what they believed to be an ethics violation of one of their employees, Subhen Ghosh. Special Agent Darrell Boehmer met with Scott Nally, Assistant Commissioner in the Office of External Affairs of IDEM. Nally advised Special Agent Boehmer that during a performance review of Subhen Ghosh, IDEM discovered that Ghosh was purchasing gasoline and other items from a Citygo gasoline station in Beech Grove. This station is outside Ghosh's normal work area and 26 miles from his home.

The Citygo gasoline station was owned by Himalaya Mountain LLC, for which Subhen Ghosh was the registered agent. Nally interviewed Ghosh and Ghosh admitted the above information. Nally determined that the vehicle was used outside of IDEM vehicle use policy, and that purchases were made at the Citygo gasoline station while Ghosh was not working or while he was outside of his assigned work area. IDEM does not permit vehicles to be used for personal use. Several charges on Ghosh's state-issued credit card could not be traced to any particular approved expenses.

II.

The OIG asserts jurisdiction under IC 4-2-7-2(b) where the Inspector General is responsible for addressing fraud, waste, wrongdoing, and abuse in agencies, and also under IC 4-2-7-3(3) where the OIG receives complaints involving violations of the Indiana Code of Ethics.

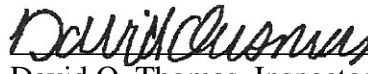
As relevant here, 42 IAC 1-5-6 (the conflicts of interest rule) states that a state employee may not participate in any decision or vote if the state employee has knowledge that he has a financial interest in the matter.

III.

An ethics complaint was filed and Ghosh contested the complaint in a full hearing before the State Ethics Commission (SEC) on January 11, 2007. OIG Staff Attorney Amanda Schaeffer represented the OIG in the litigation where multiple witnesses were questioned and exhibits were introduced into evidence.

This resulted in a final determination by the SEC on June 14, 2007 that the complaint had been proved and that 42 IAC 1-5-6 had been violated. A fine of \$456.96 was also imposed by the SEC.

Dated this 5th day of July, 2007.


David O. Thomas, Inspector General